

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STATE OF NEW JERSEY,

Plaintiff,

v.

Civil Case No. 2:23-cv-03885

UNITED STATES DEPARTMENT OF
TRANSPORTATION, FEDERAL HIGHWAY
ADMINISTRATION, SHAILEN BHATT, in his official
capacity as Administrator of the Federal Highway
Administration, and RICHARD J. MARQUIS, in his official
capacity as Division Administrator of the New York Division
of the Federal Highway Administration,

Defendants,

and

METROPOLITAN TRANSPORTATION AUTHORITY and
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY,

Intervenor-Defendants.

**PLAINTIFF STATE OF NEW JERSEY'S RESPONSE TO
INTERVENOR-DEFENDANTS THE METROPOLITAN TRANSPORTATION
AUTHORITY AND TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY'S NOTICE
OF SUPPLEMENTAL AUTHORITY**

Plaintiff State of New Jersey responds to Intervenor-Defendants' Notice of Supplemental Authority (ECF No. 256). The cited case, *Seven County Infrastructure Coalition et al. v. Eagle County, Colorado, et al.*, No. 23-975 (U.S. May 29, 2025), reviewed the adequacy of an extensive Environmental Impact Statement, including its proper consideration of the direct significant impacts of the project, as contrasted with indirect project effects, which need not always be considered. *See slip op.* at 7. This case involves the direct impacts that congestion pricing is

having and will continue to have on New Jersey, which Defendants failed to adequately consider and address. As for deference to agency decision-making, that does not mean judicial abdication.

Dated: New York, NY
June 12, 2025

By: /s/ Craig Carpenito
Craig Carpenito (NJ Bar No. 027102000)
Jessica Benvenisty (*pro hac vice*)
Lauren Myers (*pro hac vice*)
Camilla Akbari (*pro hac vice*)
KING & SPALDING LLP
1185 Avenue of the Americas
New York, New York 10036
Tel. (212) 556-2100

Peter Hsiao (*pro hac vice*)
KING & SPALDING LLP
633 West Fifth Street, Suite 1600
Los Angeles, CA 90071
Tel. (213) 433-4355

Cynthia AM Stroman (*pro hac vice*)
KING & SPALDING LLP
1700 Pennsylvania Avenue, NW, Suite 900
Washington, DC 20006-4704
Tel. (202) 737-0500

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing document was filed electronically with the above-captioned court, with notice of case activity to be generated and sent electronically by the Clerk of said court this 12th day of June 2025, to all counsel of record.

Date: June 12, 2025

/s/ Craig Carpenito
Craig Carpenito